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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,160	12/02/2003	Simon Robert Walmsley	PEA28US	6702
24011 7590 02/08/2010 SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, 2041 AUSTRALIA				
EXAMINER				
MCCOMMAS, BRENDAN N				
ART UNIT		PAPER NUMBER		
2625				
NOTIFICATION DATE		DELIVERY MODE		
02/08/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/727,160

Applicant(s)

WALMSLEY ET AL.

Examiner

BRENDAN MCCOMMAS

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/16/2009 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over Machida (United States Patent 7,002,702) further in view of Kujirai et al. (United States Patent 2001/0053295) hereinafter referenced as Kujirai, further in view of Sekizawa (United States Patent Publication 2002/0138612).

3. **Regarding claim 1**, Machida discloses a data processing apparatus and data processing method for controlling plural peripheral devices to provide function. In addition Machida discloses in his system, a plurality of consumers (104 and 105) of one

or more common resources, a method of tracking usage of the one or more common resources (as disclosed in column 19, lines 1-10, exhibited in figure 1)

4. However, Machida does not disclose that the consumer stores a record of the total of the values that the consumer broadcasted. However it would have been obvious to one of ordinary skill in the art at the time of the invention to include such a modification to the method of Machida, as taught by Kujirai.

5. In a similar field of endeavor, Kujirai discloses a method of using a server connected with a network and a server system. In addition Kujirai discloses a method wherein, a consumer 104 stores a record of the total of the values that the consumer broadcasted, as disclosed in [0077]-[0078] and exhibited in figures 1 and 5.

6. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Machida and to add up the total of the values which were broadcasted by the consumer for the purpose of not requiring a separate server from the system, as disclosed in Kujirai [0077]-[0078].

7. However, Machida does not disclose from each consumer, broadcasting to each of the other consumers a value indicative of an amount of the one or more resources consumed (in this instance a printer's consumption of CMYK toners, and at each consumer, receiving the broadcasted values from the other consumers and in each consumer, storing a record of the values that the consumer broadcasted and the values received from the other consumers. However it would have been obvious to one of ordinary skill in the art at the time of the invention to include such a modification to the method of Machida and Kujirai as taught by Sekizawa.

8. In a similar field of endeavor, Sekizawa discloses a method of using a server connected with a network and a server system. In addition Sekizawa discloses from each consumer, broadcasting to each of the other consumers a value indicative of an amount of the one or more resources consumed (in this instance a printer's consumption amount is sent first to the agent and then to the other units), as disclosed in [0144]-[0145] and at each consumer, receiving the broadcasted values from the other consumers and in each consumer, storing a record of the values that the consumer broadcasted and the values received from the other consumers, as disclosed in [0144]-[0145]. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Machida and Kujirai and to add up the total of the values which were broadcasted by the consumer for the purpose of statistically displaying the results, as disclosed in Sekizawa [0048].

9. **Claims 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Machida (United States Patent 7,002,702) further in view of Kujirai et al. (United States Patent 2001/0053295) hereinafter referenced as Kujirai, further in view of Sekizawa (United States Patent Publication 2002/0138612), further in view of Iizuka et al. (United States Patent 6,771,385) hereinafter referenced as Iizuka.

10.

11. **Regarding claim 2**, Machida, Sekizawa and Kujirai disclose everything claimed as applied above (see claim 1). However, Machida fails to explicitly disclose a method wherein a memory stores a total indicative of the sum of all the values broadcast by the consumers. However it would have been obvious to one of ordinary skill in the art at the

time of the invention to disclosed a method wherein a memory stores a total indicative of the sum of all the values broadcast by the consumers, as taught by Kujirai

12. Kujirai discloses a system and method for monitoring the state of a plurality of machines connected via a network. In addition Kujirai discloses a method wherein, a consumer 104 stores a record of the total of the values that the consumer broadcasted, as disclosed in [0078]-[0079]

13. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Machida and to add up the total of the values which were broadcasted by the consumer for the purpose of not needing a separate server, as disclosed in [0078]-[0079].

14. Machida fails to explicitly disclose the method further comprising the steps of,

15. performing an authenticated read of the total in the memory;

16. comparing the total in the consumer's record with the total read from the memory; and

17. in the event the totals do not match, performing an action.

18. However it would have been obvious to one of ordinary skill in the art at the time of the invention to make such modifications to the method of Machida, as taught by Iizuka.

19. Iizuka discloses in a similar field of endeavor a method for use in a system with a plurality of consumers comprising:

20. performing an authenticated read of the total in the memory (statistical data at the server) , as disclosed in column 16, lines 34-42 and column 24 lines 29-38;

21. comparing the total in the consumer's record with the total read from the memory, as disclosed in column 24, lines 29-38; and
22. in the event the totals do not match, performing an action (in this case, an instruction to set up again) as disclosed in column 24, lines 34-39.
23. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Machida and ton include the modifications of Iizuka for the purpose of allowing any user to more easily view the correct status of each of the consumers.
24. **Regarding claim 3**, Machida, Sekizawa, Iizuka and Kujirai disclose everything claimed as applied above (see claim 2), in addition, Machida discloses that the memory is in one of the consumers and comprises that consumer's record, as disclosed in column 19, lines 62-67.
25. **Regarding claim 4**, Machida, Sekizawa, Iizuka and Kujirai disclose everything claimed as applied above (see claim 2). In addition, Machida discloses a method wherein the action includes halting printing, and or outputting an error message, as disclosed in column 30, lines 25-30.
26. **Regarding claim 7**, Machida, Sekizawa, Iizuka and Kujirai disclose everything claimed as applied above (see claim 2). In addition, Machida discloses a method wherein the consumers are print controllers, as disclosed in column 5, lines 33-39.
27. **Claims 5-6 and 8-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Machida (United States Patent 7,002,702) further in view of Kujirai et al. (United States Patent 2001/0053295) hereinafter referenced as Kujirai, further in view of

Sekizawa (United States Patent Publication 2002/0138612), further in view of Iizuka et al. (United States Patent 6,771,385) hereinafter referenced as Iizuka., further in view of known prior art.

28. **Regarding claim 5**, Machida, Sekizawa, Iizuka and Kujirai disclose everything claimed as applied above (see claim 2). However Machida and Kujirai do not explicitly disclose a method wherein the values are broadcast in a non-secure manner. However, the examiner takes official notice of the fact that it was well known in the art to disclose a method wherein the values are broadcast in a non-secure manner.

29. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to Machida by specifically disclosing a method wherein the values are broadcast in a non-secure manner, for the purpose of allowing multiple consumers to view the information.

30. **Regarding claim 6**, Machida, Sekizawa, Iizuka and Kujirai disclose everything claimed as applied above (see claim 2). However, Machida and Kujirai fail to explicitly disclose a method wherein the value is unsigned, thereby preventing re-crediting of the total in memory. However, the examiner takes official notice of the fact that it was well known in the art to disclose a method wherein the values are signed or unsigned in order to allow a proper calculation of total ink.

31. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to Machida by specifically disclosing a method wherein the value is unsigned, for the purpose of properly keeping track of a value.

32. **Regarding claim 8**, Machida, Sekizawa, Iizuka and Kujirai disclose everything claimed as applied above (see claim 2). However Machida and Kujirai fail to explicitly disclose a method wherein each of the printer controllers control printing to a different part of print media to be printed. However, the examiner takes official notice of the fact that it was well known in the art to disclose a method wherein each of the printer controllers control printing to a different part of print media to be printed

33. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to Machida by specifically disclosing a method wherein each of the printer controllers control printing to a different part of print media to be printed, for the purpose of more quickly and effectively printing.

34. **Regarding claim 9**, Machida, Sekizawa, Iizuka and Kujirai disclose everything claimed as applied above (see claim 2). In addition, Machida discloses a method wherein the resource is ink, as disclosed in column 31, lines 1-2 and exhibited in figure 28. However Machida and Kujirai fail to explicitly disclose that the one or more values represents one or more corresponding inks consumed by one or more print-heads associated with the printer controllers. However, the examiner takes official notice of the fact that it was well known in the art to disclose a method wherein the values represent one or more corresponding inks (CMYK) consumed by one or more print-heads associated with the printer controllers.

35. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to Machida by specifically disclosing a method wherein the

print controllers control specific print-heads for the purpose of actuating each of the print-heads and keeping track of the ink used by each one.

Response to Arguments

78. Applicant's arguments filed 11/16/2009 have been fully considered but they are considered not persuasive.

Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRENDAN MCCOMMAS whose telephone number is (571)270-3575. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Haskins can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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